

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2009**

Court convened at 9:30 a.m., in the courtroom located at 601 W. Santa Ana Blvd., Santa Ana, California 92701. Panel members Sills, P. J., O'Leary, J. and Moore, J. Toni Cajigal, deputy clerk attending.

G041233 FERNANDA KROFT
 v.
 KEVIN KROFT

Merits. Cause called. Charles G. Kinney argued for appellant. Craig Darling argued for respondent. Cause submitted.

G041231 JUSTIN BATES et al.
 v.
 RUBIO'S RESTURANT, INC.

Merits. Cause called. Gregory R. Smith argued for appellant. Matthew Righetti argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 601 W. Santa Ana Blvd., Santa Ana, California 92701. Panel members Sills, P. J., Rylaarsdam, J., Aronson, J. and Ikola, J. Shahira Naqshbandy, deputy clerk attending.

G042316 N. O.
 v.
 THE SUPERIOR COURT; O. C. SOCIAL SERVICES AGENCY

Merits. Cause called. Bryan P. Patridge argued for petitioner N. O. Paul De Quattro argued for petitioner, D. P. Aurelio Torre, Jr. argued for respondent O. C. Social Services Agency. Jess Ann Hite argued for minor. Cause submitted.

G041172 THE PEOPLE
 v.
 JOSE L. RAMIREZ

Merits. Cause called. Norton Tooby argued for appellant. Vincent La Pietra argued for respondent. Cause submitted.

G040778 THE PEOPLE
 v.
 BENITO C. REYES

Merits. Cause called. James Crawford argued for appellant. Jennifer Jadovitz argued for respondent. Cause submitted.

G041643 IN RE FELIA UIPI

Merits. Cause called. Richard Pfeiffer argued for petitioner. Charles Chung argued for respondent. Cause submitted.

G041829 NEIL DUFFEY
 v.
 SUPERIOR COURT; THE PEOPLE

Merits. Cause called. Tracy R. LeSage argued for petitioner Stephan Sauer argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2009 (cont'd)**

G040619 THE PEOPLE
 V.
 ERNEST E. HANSEN

Merits. Cause called. Donald W. Jordan argued for appellant. Donald OStertag argued for respondent. Cause submitted.

G041927 IN RE PETER SOSTRE

Merits. Cause called. Richard L. Schwartzberg argued for petitioner. Kelcie M. Gosling argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 16, 2009 (cont'd)**

G042247 UNITED CENTRAL BANK
 v.
 SUPERIOR COURT;
 LOUISA H.Y. CHANG

Order filed. The request that our opinion filed October 9, 2009, be certified for publication. The request is GRANTED. The opinion is ordered published in the Official Reports.

RYLAARSDAM, ACTING P. J.

ARONSON, J.
IKOLA, J.

G040669 WILLIAM HOWE et al. Not for publication
 v.
 BANK OF AMERICA N.A. et al.

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2009**

Court reconvened at 9:30 a.m., in the courtroom located at 601 W. Santa Ana Blvd., Santa Ana, California 92701. Panel members Sills, P. J., Moore, J. and Fybel, J. Toni Cajigal, deputy clerk attending.

G040743 BRADFORD KUIISH
 v.
 WILLIAM SMITH et al.

Merits. Cause called. No appearance by counsel for appellant. Michael G. Dawe argued for respondent. Cause submitted.

G041209 JOHN GLEASON et al.
 v.
 HASSEN BEDWAN et al.

Merits. Cause called. Min Stephan Cho argued for appellants. Thomas L. Gourde argued for respondents. Cause submitted.

G041499 CHARLES KINNEY
 v.
 CITY OF LAGUNA BEACH

Merits. Cause called. Charles Kinney argued for appellant. Philip D. Kohn argued for respondent. Cause submitted.

G042454 JANE RASMUSSEN et al.
 v.
 SUPERIOR COURT; PRAVEEN BUNYAN et al.

Merits. Cause called. John R. Shiner argued for petitioner. Erik M. Anderson argued for real parties in interests. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 601 W. Santa Ana Blvd., Santa Ana, California 92701. Panel members Rylaarsdam, Acting P. J., O'Leary, J., Moore, J. and Ikola, J. Toni Cajigal, deputy clerk attending.

G040659 THE PEOPLE
 v.
 MICHAEL M.

Merits. Cause called. William J. Kopeny argued for appellant. Susan Miller argued for respondent. Cause submitted.

G040469 THE PEOPLE
 v.
 ANDRES S. ROMO

Merits. Cause called. Alexander B. Perez argued for appellant. Collette Cavalier argued for respondent. Cause submitted.

G040939 THE PEOPLE
 v.
 KENNETH PEREZ

Merits. Cause called. Jonathan K. Golden argued for appellant. Christina Salazar, Certified Law Student, argued for respondent. Marissa Bejarano, designated Supervising Deputy AG.

G042223 THE PEOPLE
& v.
G040275 GUADALUPE R. AYALA
&
G042307 FERNANDO MENDOZA

Merits. Cause called. Edward J. Haggerty argued for appellant Mendoza. Donna L. Harris argued for appellant Ayala. James Flaherty argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2009 (cont'd)**

G040970 THE PEOPLE
 v.
 CRAIG C. STEVENS

Merits. Cause called. John L. Dodd argued for appellant. Marissa Bejarano argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2009 (cont'd)**

G040666 THE PEOPLE Not for publication
 v.
 KEVIN F.

Opinion filed. The order is affirmed.

FYBEL,, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

G040698 THE PEOPLE Not for publication
 v.
 VICTOR A. TUREK

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: RYLAARSDAM, ACTIN P. J.
 IKOLA, J.

G041461 THE PEOPLE Not for publication
 v.
 DARRELL E. ADAMS

Opinion filed. The judgment is reversed and remanded.

FYBEL, J.

We concur: MOORE, ACTING P. J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 17, 2009 (cont'd)**

G042570 SAM STOUGHTON et al.
 & v.
G042696 N.R.L.L., INC. et al.

Order filed. Case numbers G042570 and G042696 are consolidated for all purposes including briefing, oral argument and decision.

SILLS, P. J.

G042783 ANTONIO L. SUAREZ et al. Not for publication
 v.
 SUPERIOR COURT; WELLS FARGO BANK

Opinion filed. The petition is granted.

BY THE COURT

*Before SILLS, P. J., RYLAARSDAM, J. and IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 18, 2009**

Said date a court closure day (furlough).

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2009**

Court reconvened at 9:30 a.m., in the courtroom located at 601 W. Santa Ana Blvd., Santa Ana, California 92701. Panel members Bedsworth, Acting P. J., O'Leary, J., and Fybel, J., Toni Cajigal and Bonnie LeSage, deputy clerks attending.

G040819 THE PEOPLE
 v.
 MIGUEL P. BARRON

Merits. Cause Called. David Annicchiarico argued for appellant. Meredith Strong argued for respondent. Cause submitted.

G041485 JONATHAN ARELLANO et al.
 v.
 REGENTS OF THE UNIVERSITY OF CA

Merits. Cause called. Sharon Arkin argued for appellant. Carolyn Oill argued for respondent. Cause submitted.

G041843 WARE MALCOMB
 v.
 DILLON CONSULTING ENGINEERS, INC. et al.

Merits. Cause called. Jeffrey Flashman argued for appellant. David Davidson argued for respondent. Cause submitted.

G040588 THE PEOPLE
 v.
 SON N. NGUYEN

Merits. Cause called. Arthur Martin argued for appellant. Lynne McGinnis argued for respondent. Cause submitted.

G040625 THE PEOPLE
 v.
 J.A.

Merits. Cause called. Richard Power argued for appellant. Theodore Cropley argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2009 (cont'd)**

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 601 W. Santa Ana Blvd., Santa Ana, California 92701. Panel members Sills, P. J., Rylaarsdam, J., Fybel, J., and Ikola, J. Toni Cajigal, deputy clerk attending.

G042528 R.R.
 v.
 SUPERIOR COURT; ORANGE COUNTY SOCIAL
 SERVICES AGENCY et al.

Merits. Cause called. Lawrence A. Aufill argued for petitioner. Karen L. Christensen, Deputy County Counsel for real party in interest, Social Services Agency. Leslie A. Barry argued for real party in interest, minor. Cause submitted.

G041473 LIEU PHAM et al.
 v.
 PAUL HOANG et al.

Merits. Ashton R. Watkins argued for appellants. Ismail Amin argued for respondents. Cause submitted.

G042012 LYNN ADAMS
 v.
 SUPERIOR COURT; QUIKSILVER, INC. et al.

Merits. Cause called. Behram V. Parekh argued for petitioner and Maria Z. Stearns argued for real parties in interests. Cause submitted.

G041003 SHANE FITZGERALD
 v.
 IP MOBILNET, INC.

Merits. Cause called. David Rosenberg argued for appellant. Christopher B. Cato argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2009 (cont'd)**

G041486 SCC ACQUISITIONS, INC. et al.
 v.
 CENTEX HOMES et al.

Merits. Cause called. David B. Parker argued for appellants. Mira Hashmall argued for respondent. Cause submitted.

G040657 CARL RENEZEDER et al.
 & v.
G041353 EMERALD BAY COMMUNITY ASSOCIATION et al.

Merits. Cause called. Anthony T. Ditty argued for appellants. David J. Wilson argued for respondents Emerald Bay Community Association et al. Joseph E. Dubois argued for respondent Richard Filanc. Sherman L. Stacey argued for respondents Susan Gotschall et al. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2009 (cont'd)**

G040325 THE PEOPLE Not for publication
 v.
 JUSTIN N. LAVOIE

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: RYLAARSDAM, ACTING P. J.
 FYBEL, J.

G040489 THE PEOPLE Not for publication
 v.
 ANTON R.K. NAIMAT, et al.

Opinion filed. The judgment is affirmed as modified.

SILLS, P. J.

We concur: MOORE, J.
 FYBEL, J.

G040874 THE PEOPLE Not for publication
 v.
 JANENE K. JOHNS

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: RYLAARSDAM, ACTING P. J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2009 (cont'd)**

G041051 THE PEOPLE Certified for publication
 v.
 RODNEY BELL

Opinion filed. The judgment is reversed as to simply kidnapping. The judgment in all other respects affirmed.

IKOLA, J.

We concur: O'LEARY, ACTING P.J.
 ARONSON, J.

G041234 MARK S. IANNUCCI et al. Not for publication
 v.
 GATE THREE HEALTHCARE, LLC, et al.

Opinion filed. The order is reversed.

RYLAARSDAM, ACTING P. J.

We concur: FYBEL, J.
 IKOLA, J.

G041274 LAURIE T. KACIK Certified for publication
 v.
 RICHARD A. KACIK

Opinion filed. The order is reversed and remanded with directions.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 19, 2009 (cont'd)**

G041345 In re JOHN SEMENECK Not for publication

Opinion filed. The petition is denied.

FYBEL, J.

We concur: SILLS, P. J.
 MOORE, J.

G041373 In re EDWARD C. RONJE Certified for publication

Opinion filed. The petition is granted and matter is remanded with directions.

FYBEL, J.

We concur: SILLS, P. J.
 MOORE, J.

G041527 ROBERT S. PODRAZA
 v.
 GEORGE VALVERDE, as Director, etc.

Order filed. Order modifying opinion, no change in judgment.

RYLAARSDAM, ACTING P. J.

We concur: MOORE, J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 20, 2009**

Court reconvened at 9:30 a.m., in the courtroom located at 601 W. Santa Ana Blvd., Santa Ana, California 92701. Panel members Bedsworth, Acting P. J., O'Leary, J., and Moore, J. Toni Cajigal, deputy clerk attending.

G041375 KAREN KINSES
 v.
 MITRA B. MACMILLAN et al.

Merits. Cause called. Mark J. Valencia argued for appellant. William C. Haggerty argued for respondents. Cause submitted.

G041544 RON AZARKMAN
 v.
 SHANNON MITCHELL et al.

Merits. Cause called. Elizabeth T. Van Horn argued for appellant. Susan D. Stein argued for respondents. Cause submitted.

G041170 GERALD WORLEY et al.
 v.
 STORAGE USA, INC. et al.

Merits. Cause called. Jeffrey Wilens argued for appellants. Karin D. Vogel argued for respondents. Additional briefing ordered and due by the parties on Dec. 7, 2009 at 4:00 p.m. To be submitted on Dec. 7, 2009.

G040519 CRAIG HARRISON
 v.
 THE CAPITAL GROUP OF CO., INC. et al.

Merits. Cause called. Appellant Craig Harrison argued in propria persona. Linda E. Van Winkle argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 20, 2009 (cont'd)**

G040123 THE PEOPLE Not for publication
 v.
 JOHN J. BURKE

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: RYLAARSDAM, ACTING P. J.
 O'LEARY, J.

G040190 THE PEOPLE
 v.
 HUY QUOC NGUYEN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041164 KUO-LING CHANG Not for publication
 v.
 HAO-CHENG LIU

Opinion filed. The order is affirmed.

RYLAARSDAM, J.

We concur: SILLS, P. J.
 MOORE, J.

G041193 THE PEOPLE Not for publication
 v.
 JOSEPH J. PATTERSON

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: RYLAARSDAM, ACTING P. J.
 O'LEARY, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 20, 2009 (cont'd)**

G041259 THE PEOPLE
 v.
 OTTO J. GONZALES

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041332 THE PEOPLE
 v.
 EDGAR M. YANES

Not for publication

Opinion filed. The judgment is affirmed.

BY THE COURT

*Before SILLS, P. J., ARONSON, J., and IKOLA, J.

G041340 THE PEOPLE
 v.
 WILLIAM O. DAWES

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041359 THE PEOPLE
 v.
 ROGER C. TAYLOR

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 20, 2009 (cont'd)**

G041362 THE PEOPLE
 v.
 CHRISTOPHER L. CRAMER

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041450 THE PEOPLE
 v.
 ALEX KODNEGAH

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041487 OMAR DEEN
 v.
 BARBARA M. FISLER, as Trustee, etc.

Not for publication

Opinion filed. The postjudgment order is reversed.

RYLAARSDAM, ACTING P. J.

We concur: O'LEARY, J.
 IKOLA, J.

G041588 THE PEOPLE
 v.
 RICARDO Z. FLORES et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 20, 2009 (cont'd)**

G041715 M. MEDINA et al.
 v.
 NANCY POLLARD, as Judge, etc.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041729 HUNG TAN PHAN
 v.
 CUU LONG ASSOCIATION

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041760 THE PEOPLE
 v.
 JASON L. FENSTERMACHER

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041794 PATRICIA J. GRACE
 v.
 GREGORY W. SMITH

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041922 FAKHREY HABASHI
 v.
 EMAD ABDELSHAFI

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
November 20, 2009 (cont'd)**

G041961 ORANGE COUNTY SOCIAL Not for publication
 SERVICES AGENCY
 v.
 RAYMOND J.

Opinion filed. The order is affirmed.

O'LEARY, J.

We concur: BEDSWORTH, ACTING P. J.
 IKOLA, J.

G041967 THE PEOPLE Not for publication
 v.
 ANGEL O. NUNEZ

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: O'LEARY, ACTING P. J.
 FYBEL, J.

G042402 THE PEOPLE
 v.
 SANTOS MARTINEZ

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G042531 J.H.
 v.
 SUPERIOR COURT; ORANGE COUNTY
 SOCIAL SERVICES AGENCY et al.

Order filed. Pursuant to C.R.C., rule 8.452(h)(2), the above entitled cause is ordered submitted this date.

SILLS, P. J.